

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 01 2008 ★

**BROOKLYN OFFICE**

**DOCKETING SECTION**  
404-215-1655

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF GEORGIA**  
2211 UNITED STATES COURTHOUSE  
75 SPRING STREET, SW  
ATLANTA, GEORGIA 30303-3361

**JAMES N. HATTEN**  
CLERK OF COURT

June 22, 2009

Clerk of Court  
United States District Court  
Eastern District of New York  
118S Theodore Roosevelt  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201-1818

Re: **USA v TIMOTHY CAMPBELL**  
**NDGA Case No. 1:09-mj-750**  
**Your Case Number: 09-cr-219 (1L6 )**

Dear Clerk:

Rule 5(c)(3) proceedings were held in this district on June 18, 2009. Please find enclosed our original documents of said proceedings, Bond, and docket sheet.

Please acknowledge receipt on the enclosed copy of this letter. If this office can be of any further assistance, please contact the undersigned deputy clerk at (404) 215-1655.

Sincerely,

James N. Hatten  
Clerk of Court

By: s/ Ashley Knight  
Deputy Clerk

Enclosure

## United States District Court

Northern DISTRICT OF GA

JUN 18 2009

BPM d'ak

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS  
OF RELEASETimothy Campbell

Defendant

Case Number: 1109-mj-750

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at (if blank, to be notified) \_\_\_\_\_

Place

on \_\_\_\_\_

Date and Time

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant be released provided that:

( ) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

( ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Ten Thousand \_\_\_\_\_ dollars (\$ 10,000 ) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

## Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:

(Name of person or organization) \_\_\_\_\_

(Address) \_\_\_\_\_

(City and state) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears. (Tel. No.) \_\_\_\_\_

Signed: \_\_\_\_\_

Custodian or Proxy \_\_\_\_\_

Date \_\_\_\_\_

(X) (7) The defendant shall:

(X) (a) report to the U. S. PRETRIAL SERVICES

telephone number 404-215-1950, not later than Immediately.

(L) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \$10,000

( ) (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described

( ) (d) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_.

(X) (e) maintain or actively seek employment.

( ) (f) maintain or commence an education program.

(L) (g) surrender any passport to: Pretrial

(X) (h) obtain no passport.

(X) (i) abide by the following restrictions on personal association, place of abode, or travel:

reside at the residence below and DO NOT change without permission from the Court

( ) (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: \_\_\_\_\_

( ) (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_

( ) (l) return to custody each (week) day as of \_\_\_\_\_ o'clock after being released each (week) day as of \_\_\_\_\_ o'clock for employment, schooling, or the following limited purpose(s): \_\_\_\_\_

( ) (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

(X) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

(X) (o) refrain from ( ) any (L) excessive use of alcohol.

( ) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

( ) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

( ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

( ) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

( ) (t) participate in one of the following home confinement program components and abide by all the requirements of the program which ( ) will or ( ) will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

( ) (i) Curfew. You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

( ) (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

( ) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

(X) (v) My release is to be supervised by the U. S. Pretrial Services Officer and I shall follow the instructions of my supervising officer. Any proposed travel outside the Northern District of Georgia shall be approved BEFORE leaving the district.

(L) (w) Restricted travel to New York with prior approval for any other travel

### Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

### Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

3284 CLEAVIEW DRIVE

Address

MARIETTA GA 30060 770 905 8303

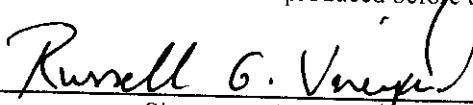
City and State

Telephone

### Directions to United States Marshal

( ) The defendant is ORDERED released after processing.  
( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 6/18/09



Signature of Judicial Officer

RUSSELL G. VINEYARD, U. S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

## UNITED STATES DISTRICT COURT

NORTHERN

District of

GEORGIA

FILED IN CHAMBERS  
U.S.D.C. AtlantaUNITED STATES OF AMERICA  
v.

JUN 18 2009

Timothy Campbell  
Defendant

APPEARANCE AND COMPLIANCE BOND

JAMES N. HATTEN, Clerk  
Deputy Clerk

Case Number: 1:09-mj-750

 Non-surety: I, the undersigned defendant acknowledge that I and my . . .

Surety: We, the undersigned, jointly and severally acknowledge that we and our . . .

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of  
\$ 10,000, and there has been deposited in the Registry of the Court the sum of

\$ \_\_\_\_\_ in cash or \_\_\_\_\_ (describe other security.)

The conditions of this bond are that the defendant,

Timothy Campbell  
(Name)

is to (1) appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred; (2) comply with all conditions of release imposed by the court, and (3) abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on

6/18/09

Date

at 75 Spring Street, S. W. Atlanta, GA 30303

Place

Defendant R. C. V. Address 3284 CLEARVIEW DR. MARIETTA GA 30060

Surety \_\_\_\_\_

Address \_\_\_\_\_

Surety \_\_\_\_\_

Address \_\_\_\_\_

Signed and acknowledged before me

Date

Approved

Russell C. Vining  
Judge Officer

Judge/Clerk

2

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

JUN 18 2009 JAK

By: *Rmw* JAMES N. HATTEN, Clerk  
Deputy Clerk

UNITED STATES OF AMERICA,

WAIVER OF RULE 40 HEARINGS

vs.

(EXCLUDING PROBATION CASES)

TIMOTHY CAMPBELL

CASE NO.: 1:09-MJ-750

I, TIMOTHY CAMPBELL, understand that in the EASTERN DISTRICT OF NEW YORK, charges are pending alleging violation of 18:371, 3551, and that I have been arrested in this District and taken before a United States Magistrate Judge, who informed me of the charge(s) and of my right to:

- (1) retain counsel or require the assignment of counsel if I am unable to retain counsel,
- (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed.R.Crim.P., in order to plead guilty,
- (3) an identity hearing to determine if I am the person named in the charge, and
- (4) a preliminary examination (unless indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or in the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

identity hearing  
 preliminary examination  
 identity hearing and have been informed I have no right to a preliminary examination  
 identity hearing but request a preliminary examination be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

Dated in Atlanta, Georgia this 18TH day of JUNE, 2009.

*[Signature]*  
DEFENDANT

*[Signature]*  
DEFENSE COUNSEL

MAGISTRATE'S CRIMINAL MINUTES  
REMOVALS (RULE 40)FILED IN OPEN COURT  
DATE: 6/18/09 @ 11:39  
TAPE: FTR @         
TIME:        Hrs. 18 Mins.MAGISTRATE JUDGE RUSSELL G. VINEYARD PRESIDINGCASE NUMBER 1:09-mj-750  
AUSA Hall  
USPO       P.M. WALKER DEPUTY CLERK  
DEFENDANT'S NAME Timothy Campbell  
DEFENDANT'S ATTY Paul Kish  
Type Counsel (circle) Retained CJA FDP

Initial appearance hearing held.  
 Defendant informed of rights.  
 ORDER appointing Federal Defender Program attorney for defendant.  
 ORDER appointing \_\_\_\_\_ attorney for defendant.  
 ORDER defendant shall pay attorney's fees as follows: \_\_\_\_\_

Defendant WAIVES removal hearing (as to IDENTITY only). WAIVER FILED.  
 Defendant WAIVES preliminary hearing (\_\_\_\_ In this district only). WAIVER FILED.  
 Removal hearing set/reset/cont to \_\_\_\_\_ @ \_\_\_\_\_.  
 Removal hearing HELD.  
 Order finding Probable Cause. Defendant held to District Court for removal to other district.  
 Order defendant identified as named defendant in indictment/complaint. Defendant held to be removed to other district.  
 Order defendant removed to other district. Commitment issued \_\_\_\_\_  
 Miscellaneous: \_\_\_\_\_

BOND/PRETRIAL DETENTION HEARING

Government Motion for DETENTION filed.  
 Bond/Pretrial DETENTION hearing held.  
 Pretrial detention hearing set for \_\_\_\_\_. (\_\_\_\_ In charging district)  
 (\_\_\_\_ VERBAL) Motion to reduce bond GRANTED.  
 (\_\_\_\_ VERBAL) Motion to reduce bond DENIED.  
 Pretrial DETENTION ORDERED. (Written order to follow \_\_\_\_\_.)  
 BOND SET at \$ 10,000.00  
 NON-SURETY  
 SURETY/CASH: \_\_\_\_\_ Property Acceptable: \_\_\_\_\_ Corporate Surety Only  
 Combination: \_\_\_\_\_  
 SPECIAL CONDITIONS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 BOND FILED. Defendant RELEASED.  
 BOND NOT EXECUTED. DEFENDANT TO REMAIN IN MARSHAL'S CUSTODY.

109-mj-75

WC:EW  
F. #2009R00713

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

I N D I C T M E N T

Cr. No. 09-0219  
(T. 18, U.S.C., ss 371,  
981(a)(1)(C) and 3551 et  
seq.; T. 21, U.S.C.,  
§ 853(p); T. 28, U.S.C.,  
§ 2461(c))

- against -

DANIEL FAILE,  
also known as "towns"  
and "townsmen,"

DMITRY KICHAUTOV,  
also known as "sj,"  
"dantes" and "spam,"

DANIEL KIM,  
also known as "kyudo," and

✓ TIMOTHY CAMPBELL,  
also known as "god,"

Defendants.

X

THE GRAND JURY CHARGES:

CONSPIRACY TO COMMIT COPYRIGHT INFRINGEMENT

1. On or about and between June 1, 2001 and April 21, 2004, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DANIEL FAILE, also known as "towns" and "townsmen," DMITRI KICHAUTOV, also known as "sj," "dantes" and "spam," DANIEL KIM, also known as "kyudo," and TIMOTHY CAMPBELL, also known as "god," together with others, did knowingly and intentionally conspire to willfully infringe a copyright for purposes of commercial advantage and private financial gain and by the reproduction and distribution, including by electronic means, during a 180-day

period of at least ten copies of one or more copyrighted works having a total retail value of more than \$2,500, in violation of Title 17, United States Code, Section 506(a)(1) and Title 18, United States Code, Sections 2319(b)(1) and 2319(c)(1).

2. In furtherance of the conspiracy and to effect the objectives thereof, within the Eastern District of New York and elsewhere, the defendants DANIEL FAILE, also known as "towns" and "townsmen," DMITRI KICHAUTOV, also known as "sj," "dantes" and "spam," DANIEL KIM, also known as "kyudo," and TIMOTHY CAMPBELL, also known as "god," together with others, committed and caused the commission of, among others, the following:

OVERT ACTS

a. In or about May 2003, a co-conspirator known to the Grand Jury constructed a File Transfer Protocol ("FTP") server called "DOH" in Flushing, New York.

b. On or about March 2, 2004, DANIEL FAILE uploaded computer files bearing the title "Microsoft.Windows.XP.64.Bit.SP1.Integrated.For.64.Bit.exe. Systems-TBE," the name of a copyrighted software program, to the FTP server DOH.

c. On or about March 12, 2004, DMITRI KICHAUTOV downloaded computer files bearing the title "MVP.Baseball.2004.CD2.Clone-Cyclone," the name of a copyrighted computer game, from the FTP server DOH.

d. On or about March 21, 2004, DANIEL KIM downloaded computer files bearing the title "Kill.Bill.Volumel.DVDR-Replica," the name of a copyrighted movie, from the FTP server DOH.

e. On or about March 21, 2004, TIMOTHY CAMPBELL downloaded computer files bearing the title "Lords\_Of\_The\_Realm\_III-Razor1911," the name of a copyrighted computer game, from the FTP server DOH.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendants that, upon conviction of the offense charged, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offense.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

4

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

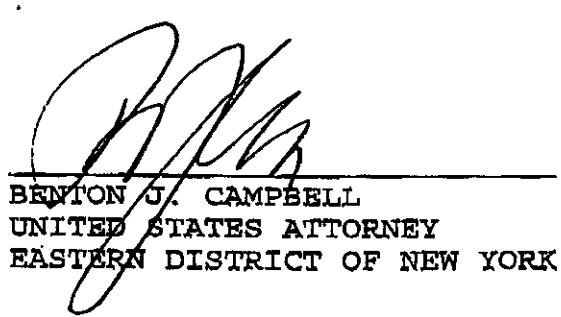
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

Connie L. Campbell  
FOREPERSON

  
BENTON J. CAMPBELL  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

CLOSED

**U.S. District Court**  
**Northern District of Georgia (Atlanta)**  
**CRIMINAL DOCKET FOR CASE #: 1:09-mj-00750-RGV All Defendants**  
**Internal Use Only**

Case title: USA v. Campbell

Date Filed: 06/18/2009

Other court case number: 09-cr-219 USDC Eastern District of New York Date Terminated: 06/18/2009

Assigned to: Magistrate Judge Russell G. Vineyard

**Defendant (1)****Timothy Campbell**

TERMINATED: 06/18/2009

also known as

god

TERMINATED: 06/18/2009

represented by **Timothy Campbell**

3284 Clearview Drive

Marietta, GA 30060

PRO SE

**Paul Stephen Kish**

Kish &amp; Lietz, P.C.

225 Peachtree Street, N.E.

1700 South Tower

Atlanta, GA 30303

404-588-3991

Fax: 404-588-3995

Email: pkish@kishandlietz.com

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Designation: Retained****Pending Counts**

None

**Disposition**ATTEST: A TRUE COPY  
CERTIFIED THIS**Highest Offense Level (Opening)**

None

JUN 22 2009

**Terminated Counts**

None

**Disposition**James N. Hatten, Clerk  
By:   
Deputy Clerk

Highest Offense Level (Terminated)

None

Complaints

18:371.F and 3551 et seg.  
 CONSPIRACY TO DEFRAUD THE  
 UNITED STATES

DispositionPlaintiff

USA

represented by **Jamila Marjani Hall**

U.S. Attorney's Office - ATL  
 600 Richard Russell Building  
 75 Spring Street, S.W.  
 Atlanta, GA 30303  
 404-581-6000  
 Fax: 404-581-6181  
 Email: jamila.hall@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/18/2009	<a href="#">#3</a>	Arrest (Rule 40) of Timothy Campbell (ank) (Entered: 06/22/2009)
06/18/2009	<a href="#">#1</a>	Minute Entry for proceedings held before Magistrate Judge Russell G. Vineyard as to Timothy Campbell: Initial Appearance in Rule 5(c)(3) Proceedings held on 6/18/2009. Defendant waives Removal (as to Identity Only) Hearing. Waiver filed. Bond Hearing, Non-Surety Bond set at \$10,000.00. (Attachments: # <a href="#">1</a> Indictment) (Tape #FTR) (ank) (Entered: 06/22/2009)
06/18/2009	<a href="#">#2</a>	WAIVER of Rule 40 Hearings by Timothy Campbell. (ank) (Entered: 06/22/2009)
06/18/2009	<a href="#">#3</a>	Non-Surety Bond on Rule 5(c)(3) Entered as to Timothy Campbell in amount of \$ 10,000.00. (ank) (Entered: 06/22/2009)
06/18/2009	<a href="#">#4</a>	ORDER Setting Conditions of Release as to Timothy Campbell. Signed by Magistrate Judge Russell G. Vineyard on 6/18/2009. (ank) (Entered: 06/22/2009)
06/18/2009	<a href="#">#5</a>	Magistrate Case Closed. Defendant Timothy Campbell terminated. (ank) (Entered: 06/22/2009)
06/22/2009	<a href="#">#5</a>	Transmittal of Rule 5(c)(3) Documents as to Timothy Campbell, sent to USDC EDNY via certified mail, rrr. Original case file with Bond and docket sheet. (ank) (Entered: 06/22/2009)